

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

U.S. Bank National Association as Trustee, on Behalf of the Holders of CSMS Mortgaged-Backed Pass Through Certificates, Series 2007-1 (Appellant)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Zeichner Ellman & Krause LLP  
1211 Avenue of the Americas  
New York, New York 10036  
(212) 223-0400

## DEFENDANTS Jack Pinnock and Mazie Pinnock (Appellees)

18CV11090  
Rakoff  
Waing

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)  
28 U.S.C. § 158(a). Appellant is appealing from those portions of an order, pursuant to 11 U.S.C. § 502(b)(1) and 11 U.S.C. § 506(d), disallowing and expunging Appellant's Proof of Claim and holding that the mortgage lien alleged to secure U.S. Bank's as Trustee's claim is void and unenforceable by Appellant, as Trustee, its successors and assigns.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes

(PLACE AN [X] IN ONE BOX ONLY)

## NATURE OF SUIT

		TORTS		ACTIONS UNDER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 PERSONAL HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	<input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY	<input checked="" type="checkbox"/> 422 APPEAL 28 USC 158	<input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 21 USC 881	<input type="checkbox"/> 1423 WITHDRAWAL 28 USC 157	<input type="checkbox"/> 376 QUI TAM 400 STATE REAPPORTIONMENT
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY/PRODUCT LIABILITY	<input type="checkbox"/> 1690 OTHER		<input type="checkbox"/> 410 ANTITRUST 430 BANKS & BANKING 450 COMMERCE 460 DEPORTATION
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 369 INJURY/PRODUCT LIABILITY	<input type="checkbox"/> PROPERTY RIGHTS		<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 340 MARINE LIABILITY	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> 820 COPYRIGHTS 830 PATENT		<input type="checkbox"/> 480 CONSUMER CREDIT 490 CABLE/SATELLITE TV
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		
<input type="checkbox"/> 152 RECOVERY OF DEFOLTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 350 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 840 TRADEMARK		
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY			SOCIAL SECURITY	
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<input type="checkbox"/> 360 OTHER PERSONAL INJURY	<input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE	<input type="checkbox"/> LABOR		<input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE
<input type="checkbox"/> 160 OTHER CONTRACT	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT		
<input type="checkbox"/> 165 CONTRACT PRODUCT LIABILITY		<input type="checkbox"/> 395 PROPERTY DAMAGE	<input type="checkbox"/> 720 LABOR/MGMT RELATIONS		
<input type="checkbox"/> 166 FRANCHISE	<input type="checkbox"/> ACTIONS UNDER STATUTES		<input type="checkbox"/> 740 RAILWAY LABOR ACT		
	CIVIL RIGHTS		<input type="checkbox"/> 750 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 864 SSID TITLE XVI	
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS (Non-Prisoner)		<input type="checkbox"/> 790 OTHER LABOR LITIGATION	<input type="checkbox"/> 866 RSI (405(g))	
REAL PROPERTY			<input type="checkbox"/> 791 EMPL RET INC SECURITY ACT (ERISA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING			<input type="checkbox"/> 871 IRS-THIRD PARTY 28 USC 7609	
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> PRISONER CIVIL RIGHTS	<input type="checkbox"/> IMMIGRATION		
<input type="checkbox"/> 230 RENT LEASE & EJECTMENT	<input type="checkbox"/> 443 HOUSING/ACCOMMODATIONS	<input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 482 NATURALIZATION APPLICATION		
<input type="checkbox"/> 240 TORTS TO LAND		<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 550 CIVIL RIGHTS 555 PRISON CONDITION	<input type="checkbox"/> 465 OTHER IMMIGRATION ACTIONS	
<input type="checkbox"/> 245 TORT PRODUCT LIABILITY		<input type="checkbox"/> 448 EDUCATION	<input type="checkbox"/> 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT		
<input type="checkbox"/> 290 ALL OTHER REAL PROPERTY					<input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ N/A OTHER N/A JUDGE N/A DOCKET NUMBER N/A

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from (Specify District)  6 Multidistrict Litigation (Transferred)  7 Appeal to District Judge from Magistrate Judge

a. all parties represented  b. At least one party is pro se.

8 Multidistrict Litigation (Direct File)

(PLACE AN X IN ONE BOX ONLY)

## BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

1 U.S. PLAINTIFF  2 U.S. DEFENDANT  3 FEDERAL QUESTION  4 DIVERSITY  
(U.S. NOT A PARTY)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1 DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3.	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5 DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

## COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 11/4/08 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

[ ] NO  
 YES (DATE ADMITTED Mo. 2 Yr. 2011)  
 Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Clear Form

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